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SUBJECT: AZERBAIJAN: 2007 HRR ROLLS OUT TO MIXED REACTION
FROM GOAJ AND CIVIL SOCIETY

Classified By: Ambassador Anne E. Derse per 1.4 (b,d).

11. (C) SUMMARY: In a March 12 press event, the Ambassador rolled out the 2007 Human Rights Report to a group of human rights activists, representatives of the Human Rights Ombudswoman's office, and Parliament's Human Rights Commission Chair. Although the Human Rights Commission Chair questioned the accuracy and neutrality of the report, she appreciated the invitation and engaged in a thorough dialogue with the group. The human rights activists noted that the report was one of the most effective tools in protecting human rights, and many expressed the desire to cooperate with the GOAJ to address the problems, as well as frustration that efforts to communicate with the GOAJ on these issues had fallen short. On March 16, the Ambassador presented the report on ANS TV's weekly news talk show (septel); poloff also discussed the report in a March 12 live radio call-in program. On March 13, Poloff delivered the report to two human rights attaches from the Ministry of Foreign Affairs (MFA), who disputed some of the cases included in the report and noted that the MFA was still studying the HRR's language regarding the Nagorno-Karabakh conflict. END SUMMARY

AMBASSADOR'S REPORT PRESENTATION

12. (U) On March 12, the Ambassador rolled out the 2007 Human Rights Report (HRR) country report on Azerbaijan to a group of human rights activists, representatives of the Human Rights Ombudswoman's office, and Parliament's Human Rights Commission Chair. Press were present for the beginning of the event, during which the Ambassador delivered remarks highlighting concerns in media freedom, political participation, freedom of assembly, religious freedom, and reports of torture by security forces, as well as progress in registering ANS television for six years, and appointing 55 new judges who passed an exam that met international standards. Participants included Chair of Parliament's Human Rights Commission Rabiyyat Aslanova; two representatives from the Human Rights Ombudswoman's office, Zaur Aliyev and Adil Eyvazov; Helsinki Citizens' Assembly Azerbaijan branch Chair Arzu Abdullayeva; Foundation to Protect Women's Rights Chair Novella Jafaroglu; Bureau of Human Rights and Law Respect Chair Saida Gojamanly; ISHR Azerbaijan branch Chair Saadat Benanyarly; Azerbaijan Foundation of Democracy Development and Human Rights Protection Chair Murad Sadaddinov and Deputy Chair Rena Sadaddinova; Azerbaijan Committee against Torture Chair Elchin Behbudov; DEVAMM Chair Ilgar Ibrahimoglu; and Institute for Reporter Freedom and Safety Chair Emin Huseynov.

13. (C) Following the Ambassador's remarks, Parliament's Human Rights Commission Chair Aslanova opened the discussion by thanking the Embassy for the invitation to the event, noting that this was the first time she had participated in the

rollout presentation of the HRR. She said that establishing democracy was a "complicated process," and that U.S. efforts in this area are "noted." Aslanova disagreed with the idea that Azerbaijan has taken steps backwards in terms of democratic development, stating that there were only areas which still needed progress. While noting that she had not read the report, she questioned its accuracy and neutrality, picking at details mentioned in the Ambassador's speech, such as deaths as the result of torture, which she claimed did not happen in Azerbaijan. In response to U.S. concern regarding media freedom, she said that journalists were not "untouchables" and must be held to the rule of law. In addition, Aslanova said she had never heard reports of religious groups experiencing difficulties in Azerbaijan.

14. (C) The Ambassador thanked Aslanova for her participation, noting that a strong, independent Parliament would be a great help to Azerbaijan's democratic development. She defended the report's accuracy and objectivity, noting that many governmental and non-governmental sources were consulted in its preparation. The Ambassador highlighted Azerbaijan's tradition of religious tolerance, and noted that it would be a shame to see that image eroded because of pressure -- of which there were reports -- on unregistered religious groups. She said that while journalists were not exempt from the rule of law, it was a problem when criminal charges were used to silence critical voices, emphasizing that the trend from the past two years demonstrates such an effort. The Ambassador noted concern about the sharp increase in libel lawsuits filed by public officials -- from seven cases in 2006 to 81 in 2007. She concluded by stating that transitions to democracy are not easy, and require constant effort by the government and civil society, and pledged U.S. support to strengthen democratic institutions in Azerbaijan.

15. (C) Azerbaijan Committee against Torture Chair Behbudov criticized Aslanova's statement regarding torture, noting that he thoroughly investigates each report of torture and often sees evidence of such with his own eyes. He expressed frustration that the GOAJ does not issue adequate responses to his organization's inquiries. Behbudov said he had applied to President Aliyev to create a joint NGO-GOAJ working group to investigate reports of torture. Directing her comments towards Aslanova, Jafaroglu said that the human rights activists fully agreed with the HRR's conclusions, but noted that this did not mean they "wanted something bad" for Azerbaijan. Rather, she emphasized, civil society wanted to build links with GOAJ structures, including the Parliament. Jafaroglu disagreed with Aslanova's statements on the media, and said that the GOAJ should also be subject to the rule of law.

16. (C) Bureau of Human Rights and Law Respect Chair Gojamanly thanked the U.S. for its attention to human rights violations, and said that she understood Aslanova's position, which she articulated as not wanting to see negative information about the GOAJ. However, she emphasized, these problems were creating serious obstacles for democratic development, particularly the media situation and pervasive corruption in the country. Civil society, Gojamanly continued, should use the HRR as a guide to what needed to be fixed; "It's our task," she said. She expressed frustration regarding the GOAJ's sometimes flippant attitude towards its international commitments, particularly with respect to the Council of Europe. Gojamanly noted her appreciation that Aslanova had attended the event, saying that they normally debated via Voice of America rather than talking face-to-face. Benanyarly urged Aslanova to use her position in Parliament to address social issues that affected people, such as insufficient pension and minimum wage amounts.

17. (C) Institute for Reporter Freedom and Safety Chair Huseynov said that internet freedom and legislation on the electronic media should be included in greater detail in the HRR. He disagreed with the report's characterization of jailed journalist Mushvig Huseynov's case, noting that while the journalist may have accepted a bribe, it was a set-up. He said that Huseynov's six-year prison sentence was not

proportionate to sentences given to public officials convicted of similar crimes. Huseynov proposed creating a working group between civil society and Members of Parliament (MPs) to monitor court cases related to journalists. (NOTE: Opposition MPs Panah Huseyn and Jamil Hasanli often monitor high-profile court cases.) Huseynov also expressed frustration that the government does not respond to 99 percent of his NGO's requests for information.

18. (C) Human Rights Protection Chair Sadaddinov said that the HRR is one of the "few helpful tools" for human rights defenders, and noted that every year civil society achieves some success because of the report. He thanked the U.S. for its efforts in achieving registration for ANS television. Without referring directly to the GOAJ, he said that governments in certain states were never happy with the report, listing China and Russia as examples. Sadaddinov emphasized that President Aliyev's December pardon of five imprisoned journalists should not be lauded as a positive step, stating that a real positive step would be not imprisoning journalists in the first place. The pardoning system, he continued, should not be permanent; pardons were only an imperfect solution and the broader problem of media freedom needed to be addressed. Looking directly at Aslanova, Sadaddinov said Azerbaijan needed to pass legislation decriminalizing defamation; "We'll do it sooner or later," he said, noting that five years ago civil society had fought with the GOAJ about political prisoners, and now most had been released from jail.

19. (C) Helsinki Citizens' Assembly Azerbaijan Chair Abdullayeva said that she agreed with the other human rights activists and with Aslanova; while she saw some positive steps, there were also areas in which democratic backsliding was occurring. Despite the "artificial" improvements to the city, Abdullayeva emphasized that she feels "like the country is collapsing." She noted the need to be able to solve problems domestically, by talking to the GOAJ, rather than "taking them abroad," which currently was necessary. Ibrahimoglu echoed the earlier comment that the HRR was one of the most effective tools in protecting human rights. He noted concern regarding deterioration in religious freedom during the year, but said that for the first time, the Human Rights Ombudswoman's office had assisted with many cases he had raised, which he estimated at 150-200. He thanked Aslanova for engaging in dialogue during the event. Aslanova concluded by noting her appreciation to the Embassy for organizing a forum in which such a dialogue could take place.

PRESS INTERVIEWS

10. (U) On March 16, the Ambassador discussed the HRR in independent ANS Television's weekly "Hesabat" news talk show, one of Azerbaijan's most widely viewed news magazine programs. During the interview, she fielded a number of questions about the report's purpose, context and effectiveness in promoting human rights throughout the world.

The Ambassador defended the report's accuracy and objectivity, noting that our criticisms were offered in a spirit of strategic partnership. She underscored that a robust dialogue on human rights was an essential part of our bilateral relationship and that the HRR was a positive tool for U.S. foreign relations throughout the world.

11. (U) Separately, Poloff discussed the HRR in a March 12 live radio interview on Radio Freedom. The host asked basic questions about the report, inquiring about its intent, how it was prepared, and why it did not include events from the current year. Chair of Parliament's Human Rights Commission Rabiyyat Aslanova called into the show, repeating many of the comments she had made at the Ambassador's rollout event, specifically questioning the report's accuracy and objectivity, and concluding that the report on every country looked the same each year. Opposition Musavat Party Chair Isa Gambar called in and defended the report's objectivity. He also called the audience's attention to the report's conclusion that the government restricted citizens' right to

change their government peacefully by interfering in elections. Poloff fielded questions from callers, several of whom asked why the report resulted in no positive changes, and if that was the case, why the report was published. Poloff responded that the U.S. takes its commitments of monitoring and reporting on human rights practices seriously, and hopes that the report can be used as a tool by the government and civil society to focus on areas of concern.

DELIVERY TO MFA

¶12. (C) On March 13, Poloff delivered the HRR country report on Azerbaijan to two officials from the Ministry of Foreign Affairs (MFA) Human Rights department: Ulfat Machanov, who specializes in media and political prisoner issues and Azerbaijan's human dimension commitments with the OSCE; and Shafa Gardashova, who specializes in gender issues, children's rights, and Azerbaijan's human rights commitments with the UN. Poloff briefed Machanov and Gardashova, noting the major areas of U.S. concern as outlined in the report, including significant deterioration of media freedom during the year; the government's increased limitations on political participation; continuing severe restrictions on the right to freedom of assembly; continuing reports of government use of torture, including the deaths of four persons during the year; and disturbing examples of selective harassment of some unregistered Muslim and Christian groups. She also highlighted positive steps which the government took during the year, including the decision to register ANS television for six years; the appointment of 55 new judges who passed an exam considered by observers to have met international standards; the elimination of all tent camps for IDPs/refugees; and cooperation with the ICRC to establish an effective screening and treatment system for tuberculosis in prisons.

¶13. (C) Machanov noted his concern that when it comes to the media situation, the U.S. "focuses on the negative side, presenting things as a set-up." He listed as an example the case of jailed journalist Sakit Zahid, who was convicted of narcotics possession. Machanov claimed that medical tests conducted on Zahid proved that he was a drug user. He objected to the inclusion of Talysh Sedo newspaper Editor-In-Chief Novruzali Mammadov's case (under the subsection on national/racial/ethnic minorities' rights), and stated that many in Azerbaijan's southern regions were "trying to work with Iran," and that the high treason charges against Mammadov "must be right." Machanov also noted that he disagreed with the inclusion of references to the 2003 presidential election, which did not meet international standards. Poloff explained that the references to the 2003 election would be replaced by reports on the conduct of the 2008 presidential election in future reports, and noted that 2008 was an opportunity for the GOAJ to improve its track-record -- and the relevant portions of the HRR -- on elections. Machanov replied that the GOAJ wanted to improve its record as well, and was taking steps to do so, such as working with the Council of Europe's Venice Commission on the law on freedom of assembly.

¶14. (C) Gardashova complained that the U.S. unfairly criticizes Azerbaijan for election conduct and human rights violations when compared to Georgia and Armenia. In response to U.S. concerns regarding media freedom, she emphasized that defamation was criminalized under Azerbaijani law, so imprisonment of journalists who break the law is legal. Poloff noted the need for decriminalization of libel, and stated that the U.S. does not believe journalists should be imprisoned for their work. Machanov said that in a meeting at the Presidential Apparatus, an unnamed senior-level official had said that libel would be decriminalized, but that "society wasn't ready." Machanov and Gardashova examined the language in the report related to the Nagorno-Karabakh conflict, and agreed that the wording clearly demonstrated that Nagorno-Karabakh and the surrounding territories belonged to Azerbaijan; however, they said they were not sure about the reference to "ethnic Armenian separatists,"

stating, "to us, it's just Armenia." They said they would discuss the matter with their colleagues working more directly on the issue. (NOTE: Several hours after the meeting, Machanov contacted Poloff to ask for an immediate translation of the report. When informed that the Embassy's translation would not be available until April, Machanov said he was working on a translation.)

COMMENT

¶15. (C) Aslanova's comments regarding the accuracy and objectivity of the report mirror the normal GOAJ reaction to the publication of each HRR. However, her willingness to discuss the human rights situation with the human rights activists and the MFA officials' openness to engaging in a conversation on the report were positive. We will continue to look for opportunities to use the HRR as a public outreach tool.

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